



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 13, 1996

Ms. Merri Schneider-Vogel
Bracewell & Patterson, L.L.P
South Tower Pennzoil Place
711 Louisiana Street, Suite 2900
Houston, Texas 77002-2781

OR96-0699

Dear Ms. Schneider-Vogel:

On behalf of the San Jacinto College District (the "SJCD"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40010.

The SJCD received a request "to look at Beverly Farmer's file." Ms. Farmer is a former district teacher and administrator. You say the SJCD will give the requestor access to most of the documents in Ms. Farmer's file. However, you assert that two sets of documents in the requested personnel file are excepted from required public disclosure. The first set of documents you assert are excepted from disclosure contain information that concerns Ms. Farmer's health. In Open Records Letter No. 96-0544 (1996), this office ruled on the public release of the information concerning Ms. Farmer's health. Here, we address the public disclosure of the second set of documents you assert are excepted from disclosure, evaluations of Ms. Farmer's performance as a teacher and administrator.

You contend the evaluations are made confidential by Education Code section 21.355. Section 21.355 of the Education Code provides, "A document evaluating the performance of a teacher or administrator is confidential." You assert that this provision is applicable to junior and community colleges by virtue of section 130.084 of the Education Code. Section 130.084 reads as follows:

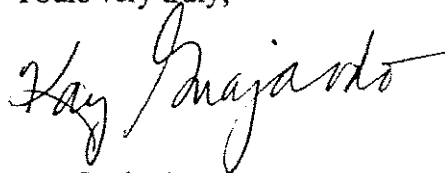
The board of trustees of junior college districts shall be governed in the establishment, management and control of the junior college by the general law governing the establishment, management and control of independent school districts insofar as the general law is applicable.

In Open Records Letter No. 96-0698 (1996), this office determined that section 21.355 is inapplicable to a junior college district through section 130.084 of the Education Code. Accordingly, the SJCD may not withhold the requested evaluations of Ms. Farmer from the public pursuant to section 552.101 of the Government Code in conjunction with section 21.355 of the Education Code. As you raise no other exception to the release of the requested information, we conclude the SJCD must release the requested evaluations.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records.

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Kay Guajardo".

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID#s 38332, 40010

Enclosures: Submitted documents

cc: Shirley Baker
3901 Ann Lane
Pearland, Texas 77584
(w/o enclosures)